



Three Bryant Park
1095 Avenue of the Americas
New York, NY 10036-6797
+1 212 698 3500 Main
+1 212 698 3599 Fax
www.dechert.com

January 14, 2020

JONATHAN R. STREETER

jonathan.streeter@dechert.com
+1 212 698 3826 Direct
+1 212 314 0049 Fax

BY EMAIL

The Honorable Denise Cote
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Lavidas*, S1 19-cr-00716

Dear Judge Cote:

In the redacted Indictment that the Government sent to Your Honor last night, it included a version that contained materials marked with a red box that the Government stated had been redacted from the Indictment it proposes to send back to the jury. Your Honor had requested such a version so that you could see in one place what had been redacted from the Indictment, and what had not. In those portions marked with a red box, the government failed to include pages 4, 5 and 6 of the Superseding Indictment, as well as pages 13-14, and pages 22-34. The full Superseding Indictment, including those pages, is attached hereto. Those pages missing from the Government's "red box" version should be inserted into Your Honor's "red box" version so that you can see everything that has been redacted in one place.

In particular, it is important to point out the following: pages 13-14 of the Superseding Indictment filed against Mr. Lavidas, which the government did not include in the "red box" version that it sent to Your Honor last night, states as follows:

Specifically, CC-1 [Benjamin Taylor, to whom the evidence showed Darina Windsor repeatedly forwarded confidential information of Centerview at Taylor's Moelis email address] and CC-2 [who is Darina Windsor] stole MNPI from Investment Bank A [Moelis] and Investment Bank B [Centerview], respectively, by accessing computer systems at those investment banks. CC-1 and CC-2 then shared the MNPI with CC-3 [John Dodelande], in exchange for over \$1 million of benefits, including cash, trips and luxury watches.... After CC-3 [Dodelnade] obtained the MNPI from CC-1 [Taylor] and CC-2 [Windsor], CC-3 [Dodelande] passed MNPI to CC-4 [Demane] in exchange for millions of dollars of payments... CC-4 [Demane] provided NIKAS with the MNPI that CC-1 [Taylor] and CC-2 [Windsor] had stolen from Investment Bank A [Moelis] and Investment Bank B [Centerview], and NIKAS placed timely, profitable trades in securities based on that MNPI.



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In addition, on pages 4, 15, 25, 33 and 34, the Superseding Indictment alleges that Nikas traded illegally in the securities of Onyx based on information obtained from CC-2 [Windsor] and others.

In both of its summations the Government argued that there was no evidence Darina Windsor was providing MNPI to Demane's and Nikas's network. In fact, the Department of Justice has alleged, *in the very Indictment in which Mr. Lavidas is charged*, that Windsor provided MNPI to Nikas and Demane. Moreover, it has so alleged in a separate Indictment of Windsor.

The defendant requests that the full Superseding Indictment, with no redactions, be submitted to the jury.

Sincerely,

S/

Jonathan R. Streeter

cc: Eric Sussman and Jennifer Achilles